United Nations CCPR/C/SR.3082

International Covenant on Civil and Political Rights

Distr.: General
20 August 2014
English
Original: French

Human Rights Committee
111th session

Summary record (partial)* of the 3082nd meeting
Held at the Palais des Nations, Geneva, on Wednesday, 16 July 2014, at 3 p.m.

Chairperson: Sir Nigel Rodley

Contents

Consideration of reports submitted by States parties under article 40 of the Covenant (*continued*)

Sixth periodic report of Japan (continued)

* No summary record was prepared for the rest of the meeting.

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 40 of the Covenant (*continued*)

Sixth periodic report of Japan (continued) (CCPR/C/JPN/6, CCPR/C/JPN/Q/6, CCPR/C/JPN/Q/6/Add.1 and HRI/CORE/JPN/2012)

1. *At the invitation of the Chairperson, the delegation of Japan took places at the Committee table.*

2. **The Chairperson** invited the delegation of Japan to resume replying to the questions raised at the previous meeting.

3. **Mr. Yamanaka** (Japan) said that the Supreme Court was not the only court that took into consideration the provisions of the Covenant and other international instruments in its decisions; the lower courts also did so. Japan had not yet ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, as it first had to ratify the Convention itself and the bill on ratification had not yet been approved by the Diet. On the issue of comfort women, it should be recalled that the agreement concluded between Japan and the Republic of Korea expressly stipulated that the disputes between the contracting parties and their nationals had been settled completely and finally. Furthermore, Japan had officially apologized to the victims on a number of occasions and had contributed considerably to compensation and rehabilitation by establishing the Asian Women's Fund, whose projects it continued to monitor despite the dissolution of the Fund. The Government did not intend to retract the Kono statement, in which it had acknowledged that the comfort women had, in most cases, been recruited against their will, but it did refute the description of the practice as sexual slavery.

4. **Mr. Mori** (Japan) said that steps were taken to promote the integration of children of foreign nationals in the public education system while enabling them to strengthen their knowledge of their language and culture of origin through extracurricular activities. Foreign students were eligible under the tuition-waiver programme for secondary school education. Corporal punishment at school was prohibited under the Education Act and any violation of that prohibition was subject to disciplinary sanctions. Students could report any problems in that regard to school counsellors or could call a special hotline. Corporal punishment in the family was also prohibited if it went beyond the reasonable exercise of discipline permitted under article 822 of the Civil Code. Any person who was aware of children being ill-treated was obliged to inform the competent authorities and children in need of protection could themselves request help from the Child Guidance Centres. The delegation denied that the majority of Japanese people were in favour of corporal punishment in the upbringing of their children.

5. **Mr. Teramura** (Japan) said that the guarantees provided for under employment legislation applied to apprentices and interns and that compliance by employers was actively monitored by the labour inspection services, which took the necessary steps to remedy violations, including, if applicable, through judicial means. Furthermore, a telephone helpline had been set up for apprentices and interns to report any problems regarding their working conditions.

6. **Ms. Genka** (Japan) said that measures taken to improve the protection of women victims of trafficking included the allocation of additional funds to the Women's Consulting Offices to allow them to establish psychological support units in the temporary shelters and make use of interpreters to provide better care for foreign victims.

7. **Ms. Hirobe** (Japan) said that the Government did not plan to make sexual harassment a criminal offence but acts of that nature could be prosecuted if they constituted other offences punishable by law, such as forcible indecency.

8. **The Chairperson** invited the members of the Committee to ask any further questions they might have, to which the delegation could reply in writing.

9. **Ms. Waterval** asked for clarification concerning the reason cited by the State party in its written replies to justify the exclusion of Korean schools from the tuition-waiver programme for secondary school education, which was considered by the students in those schools as a form of discrimination.

10. **Mr. Shany** drew the delegation's attention to the results of a survey conducted among the Japanese population, according to which 58 per cent of respondents considered corporal punishment a necessary component of a child's upbringing, and 65 per cent personally used corporal punishment. He would be interested to know what the State party thought of those figures indicating that public opinion was still largely in favour of corporal punishment, an assertion that the head of the delegation had refuted.

11. **Ms. Majodina**, responding to the objection by the head of the delegation to the use of the term "sexual slavery" to describe the activities the "comfort women" had been forced into, referred him to the 1926 Slavery Convention, which provided a comprehensive and widely recognized definition of slavery.

12. **The Chairperson** said that he was not sure he had understood the changes introduced by the new Act on State secrets as compared with the existing legislation in that area or why the State party had deemed it necessary to adopt the Act, given the numerous objections that had been raised to it.

13. **Mr. Yamanaka** (Japan) said that the Government had taken into consideration the definition of slavery provided in the 1926 Convention and it had thus been in full possession of the facts when it had concluded that the situation of the comfort women did not fall into that category. The delegation had endeavoured to reply to the Committee members' questions in good faith and had welcomed the opportunity provided during the dialogue to give an update on the situation of civil and political rights in Japan and the measures to be taken to continue to make progress in that area. The Government would pursue its efforts and, to that end, would endeavour to strengthen its cooperation with the international community.

14. **The Chairperson** thanked the Japanese delegation for its responses. However, the overwhelming impression was that, from one review to the next, the State party did not take account of the Committee's concerns and recommendations. The continued applicability of the system of substitute detention (*Daiyo Kangoku*), despite its flagrant incompatibility with the Covenant and repeated calls by the Committee and the international community for its abolition, was particularly telling in that regard. The argument that a lack of resources was the reason for maintaining the status quo was difficult to accept, coming from a country such as Japan. With regard to the so-called comfort women, the State party's position in asserting that the women had not been forcefully taken away while recognizing that, in most cases, the process had taken place against their will, was impenetrable, as were the reasons for which the Government had not set up an independent international inquiry to clarify the matter. The Committee recognized that Japan was, in many ways, a country that respected human rights, as demonstrated by the importance attached to the freedoms of expression, association and assembly, for example, but it remained concerned by the persistence of serious problems that adversely affected human rights. He reminded the delegation that it had 48 hours to provide the Committee with any additional information in response to the questions it had not had time to answer orally to be taken into account in the concluding observations.

15. *The delegation of Japan withdrew.*

The discussion covered in the summary record ended at 15.35 p.m.